

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA
9

10 COLTON JAMES ROOD,

11 Plaintiff,

12 v.

13 ISAAC LOCKWOOD, et al.,

14 Defendants.
15

No. 2:20-cv-0271 CKD P

ORDER


16 Plaintiff has requested the appointment of counsel. District courts lack authority to
17 require counsel to represent indigent prisoners in section 1983 cases. Mallard v. United States
18 Dist. Court, 490 U.S. 296, 298 (1989). In exceptional circumstances, the court may request an
19 attorney to voluntarily represent such a plaintiff. See 28 U.S.C. § 1915(e)(1); Terrell v. Brewer,
20 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir.
21 1990). When determining whether “exceptional circumstances” exist, the court must consider
22 plaintiff’s likelihood of success on the merits as well as the ability of the plaintiff to articulate his
23 claims pro se in light of the complexity of the legal issues involved. Palmer v. Valdez, 560 F.3d
24 965, 970 (9th Cir. 2009) (district court did not abuse discretion in declining to appoint counsel).
25 The burden of demonstrating exceptional circumstances is on the plaintiff. Id. Circumstances
26 common to most prisoners, such as lack of legal education and limited law library access, do not
27 establish exceptional circumstances that warrant a request for voluntary assistance of counsel.

28 Having considered the factors under Palmer, the court finds that plaintiff has failed to

1 meet his burden of demonstrating exceptional circumstances warranting the appointment of
2 counsel at this time.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the appointment of
4 counsel (ECF No. 3) is denied without prejudice.

5 Dated: February 12, 2020

6 
7 CAROLYN K. DELANEY
8 UNITED STATES MAGISTRATE JUDGE
9
10
11
12

13 12/rood0271.31
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28